

REMARKS

This paper is responsive to the Office Action mailed July 13, 2004. Presently, claims 1 to 16 are pending in the application, claims 17 to 44 being cancelled by the present amendment. Claims 11 to 13 and 16 stand rejected under 35 U.S.C. §102(a) & (e) over the Jacobs et al. U.S. Patent No. 4,943,414. Claims 1 to 6 stand rejected under the doctrine of obviousness-type double patenting over claims 1, 3, 9, 11 and 15 of the Williams et al. U.S. Patent No. 6,451,255. Claim 8 stands rejected under the doctrine of obviousness-type double patenting over claim 1 of Williams et al. in view of Jacobs et al. U.S. Claim 7, 9, 14 and 15 stand objected to as being dependent upon a rejected base claim. Applicants traverse each rejection and request reconsideration and reexamination of the application.

The Examiner has rejected claims 11 to 13 and 16 under 35 U.S.C. §102(a) & (b) over Jacobs et al. The Examiner did not mention claim 10, but as claim 10 is the independent claim from which these claims depend, Applicants assume that the Examiner intended to include claim 10 in this rejection as well. Claim 10, as amended delineates a container which defines an enclosed volume and which enclosed volume does not contain germicide. Jacobs et al. disclose a booster comprising a container having a quantity of germicide therein. An adaptor on the booster has an interface for receiving the end of an endoscope. It is this adaptor portion which forms a basis of the Examiner's rejection. However, the adaptor portion does not define an enclosed volume. Accordingly, claim 10 as amended, patentably defines over Jacobs et al.

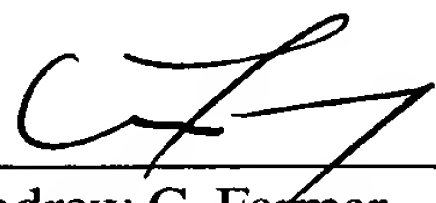
The Examiner has rejected claims 1 to 6 and 8 over Williams et al., claim 8 being in combination with Jacobs et al. Applicants submit herewith a terminal disclaimer over Williams et al. thereby mooting the rejection.

The Examiner has indicated that claims 7, 9, 14 and 15 while objected to as being dependent upon a rejected base claim would be allowable if rewritten in independent form including all of the limitations of the base and intervening claims. These claims have been so rewritten.

Serial No. 09/802,326

Applicants submit that the application is presently in condition for allowance and request favorable reconsideration and early notice of allowance. Applicants encourage the Examiner to contact the undersigned attorney by telephone if it would speed prosecution.

Respectfully submitted,

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